

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/696,685	EVEN ET AL.	
	Examiner Donald L. Storm	Art Unit 2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Reply to Action of April 6, 2005.
  2.  The allowed claim(s) is/are 1-36.
  3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a)  All
    - b)  Some\*
    - c)  None
 of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
- Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**
4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
    - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
  6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to the Applicant, an amendment may be filed as provided by 37 CFR § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Ms. Diana DiBerardino, Applicant's Representative of Record, on September 14, 2005.

#### IN THE CLAIMS:

In claim 26, line 1, change "software instructions" to --computer-readable medium--.

In claim 27, line 1, change "software instructions" to --computer-readable medium--.

In claim 28, line 1, change "software instructions" to --computer-readable medium--.

In claim 28, line 1, change "further comprising" to --wherein the software instructions comprise--.

In claim 29, line 1, change "software instructions" to --computer-readable medium--.

In claim 30, line 1, change "software instructions" to --computer-readable medium--.

In claim 31, line 1, change "software instructions" to --computer-readable medium--.

In claim 32, line 1, change "software instructions" to --computer-readable medium--.

In claim 33, line 1, change "software instructions" to --computer-readable medium--.

In claim 33, line 1, change "further comprising" to --wherein the software instructions comprise--.

In claim 34, line 1, change "software instructions" to --computer-readable medium--.

In claim 34, line 1, change "further comprising" to --wherein the software instructions comprise--.

In claim 35, line 1, change "software instructions" to --computer-readable medium--.

In claim 35, line 1, change "further comprising" to --wherein the software instructions comprise--.

In claim 36, line 1, change “software instructions” to --computer-readable medium--.

In claim 36, line 1, change “further comprising” to --wherein the software instructions comprise--.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

The Applicant's REPLY TO ACTION OF APRIL 6, 2005, filed on July 6, 2005, has been entered.

***Drawings***

3. The proposed substitute drawings (1 sheet(s), received July 6, 2005) are present and are now the Fig. 12 of record. This drawing sheet is substantively acceptable to the Examiner.

***Allowable Subject Matter***

4. Claims 1-36 are allowed.

***Response to Arguments***

5. The prior Office action, mailed April 6, 2005, objects to the claims, and rejects claims under 35 USC § 112, § 101, § 102, and § 103, citing Wright and others. The Applicant's arguments and changes in REPLY TO ACTION OF APRIL 6, 2005, filed on July 6, 2005, have been fully considered with the following results.

6. With respect to objection to the claims as dependent upon a rejected base claim, the base claims have been allowed. Accordingly, the objections are removed.

7. With respect to rejection of claims under 35 USC § 112 as being indefinite, the changes entered by amendment provide clear descriptions of the claimed subject matter. Accordingly, the rejections are removed.

8. With respect to rejection of claims under 35 USC § 101, the changes entered by amendment remove the nonstatutory subject matter. Accordingly, the rejections are removed.

9. With respect to rejection of claims under 35 USC § 102 and § 103, citing Wright alone and in combination, the changes entered by amendment include determining if a word is similar to a portion of a phrase, both the word and the phrase are included in a recognition result of speech recognition.

The reference Wright does not explicitly describe that limitation and the current combination of Wright with other references does not make such a limitation obvious compared to the prior art of record for the whole structure and interaction expressed by the combination of all limitations. Accordingly, the rejections are removed. The Applicant's assertions with respect to Wright and Tang have been considered, but they are moot in view of the new claim element.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Storm, of Art Unit 2654, whose telephone number is (571) 272-7614. The examiner can normally be reached on weekdays between 8:00 AM and 4:30 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: [ebc@uspto.gov](mailto:ebc@uspto.gov). For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

*Donald L. Storm*  
Donald L. Storm  
September 15, 2005



RICHEMOND DORVIL  
SUPERVISORY PATENT EXAMINER